

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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U.S.D.C. Atlanta

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LUTHER THOMAS, Clerk
Deputy Clerk

ROBERT WILLIAMS, and
CHARLES LEE DOUGLAS

Plaintiffs,

v.

TIME WARNER, INC.,

Defendant.

CIVIL ACTION FILE
NO. 1:05-CV-1396-WBH

ORDER

In an Order dated October 17, 2005 [20] the Court granted what it believed to be a joint motion to extend discovery in this case for ninety days. It is now apparent that Plaintiffs do not consent to this extension and the parties have briefed their respective arguments about this issue. The Court is mindful that the parties engaged in extended settlement negotiations over approximately three months that ultimately proved unsuccessful. Defendant represents that: (1) during the course of the settlement negotiations it decided not to pursue discovery in an effort to conserve both time and expense; and (2) Plaintiff declined to agree to a stay of discovery pending the outcome of the negotiations.

After reviewing the parties' respective arguments, it is apparent that both sides will need additional time to complete the discovery. Plaintiffs unconvincingly argue that they should be provided with a limited extension to complete discovery that they

initiated during the course of settlement negotiations, further submitting that Defendant should be precluded from obtaining any extension because it failed to commence discovery during negotiations. Such a result, in the Court's opinion, would be exceedingly unfair.

Given the length of time devoted to settlement efforts, along with the parties' schedules and the upcoming holiday season, the Court finds the ninety day extension reasonable under these circumstances.

CONCLUSION

For the reasons set forth above, the Order entered on October 17, 2005 regarding the extension of discovery remains in full force and effect. Discovery in this case ends on January 31, 2006.

It is so ORDERED this 24 day of October, 2005.



Willis B. Hunt, Jr.
Judge, United States District Court